

This Informal Conference was held on this 22nd day of July of 2004 at the Department of Mines, Minerals and Energy's Big Stone Gap Office.

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MR. BLEDSOE: Today is July 22, 2004 it is 9:30 a.m. This is an informal conference on the bond release application for Paramount Coal Corporation Permit Number 1101494, Application Number 1001938. The purpose of this conference is to receive comments either oral or written in regards to any concerns that citizens may have as to whether or not this application should be approved or disapproved. This was requested by Mr. Terry Bryant, he is present here today. Also present is, I'm sorry I forgot your name.

MR WILLIAMS: Roger Williams

MR. BLEDSOE: Pardon, Roger Williams, Jerry Legg with the Division, Jim Meacham with the Division, Bill Cronic with the Division, Debbie Whitt with the Division and Billie Sue Warner with the Division. Again, my name is Gavin Bledsoe, I am the Legal Services Officer for the Division of Mine Land Reclamation. At this time we will open up the record for Mr. Bryant to give his comments and concerns about this application. So basically just kind of state, give your name, your address, and what your interest is.

MR. BRYANT: My name is Terry Bryant address PO Box 374 Dryden.

MR. BLEDSOE: And your interest on this particular property.

MR. BRYANT: This property contained here, it belonged to my dad, now it belongs to me and the first time when they had this bond release, I never was, we was never notified or the second time and didn't know nothing about it until 2 years ago, a year and a half ago, Freddy Mullins was letting us use his right of way, road that goes around through there, but I had my own right of way through my land and they were supposed to gravel and back to cemetery and

uh so they've really not done nothing. They put four loads of gravels. They said we agreed on four loads of gravel but I never agreed on nothing.

MR. BLEDSOE: Just for the record what portion of this permit is land that you own?

MR. BRYANT: Ninety-eight acres.

MR. BLEDSOE: Ninety-eight acres.

MR. BRYANT: Um huh

MR. BLEDSOE: Any other thing you want to?

MR. BRYANT: Just like the first time I came up here, even on my mine map they had Paramount Land Corporation Fee and uh I talked to Frank and he told me he said you need to go to Clintwood to get it checked out and I went to Clintwood and had my deed in my pocket and that guy out there he said well they own it and I said I'd like to see their deed. He said then, I reached him a deed, and he said oh it's a mistake ain't it and I said yes sir it sure is so they came back up here and got that straightened out. At first I thought they was gonna try to steal my property. And the only thing I'm wanting is my road fixed back to the cemetery, graveled and the land surveyed like they was supposed to do. And they went they went over there and its. I've got pictures here you can look at them and Mr. Mullins, Freddie Mullins beside of me, he's got land. You can't hardly see a rock. Mine that's all you can see. I mean basically in places, I can show you the pictures.

MR. BLEDSOE: Are they pictures you want to submit as evidence or?

MR. BRYANT: Yes sir.

MR. BLEDSOE: Go ahead.

MR. BRYANT: Okay. You can look at the pictures and tell where Freddie's land and where my land joins.

MR. BLEDSOE: I think what we need to be focusing on is your property.

MR. BRYANT: Right.

MR. BLEDSOE: Your concerns as to whether or not the reclamation is.

MR. BRYANT: Right

MR. BLEDSOE: Proper?

MR. BRYANT: No sir, it is not and vegetation is not right and just like right now if somebody was to pass away. I guess we'd have to get a farm tractor to pull them up through there and I don't think that, just like Mr. Kegley told me that he had called me several times. John Kegley for Pittston, for Apha or whoever? He called one time and that has been a couple of months ago I guess and uh one day they had a meeting over there. Mr. Cronce, he called me and I was home that morning and I went on over there. He said I'll get something straightened out right then. He got on the telephone and he sat there for about five minutes and he said I'll get back with you and that's been it. I haven't heard from him since. He said I agreed to four loads of gravels. No sir I didn't.

MR. BLEDSOE: Which particular pictures did you want to submit?

MR. BRYANT: You can just about look at all of them. I mean.

MR. ROGER WILLIAMS: He just wants the ones on yours.

MR. BRYANT: Because if I'd a been notified you know like I was supposed to the first time and second time they would never have been a bond release because I would have protested it then. Just like they was supposed to put some. They put I think one or two culverts in or whatever? One?

MR. CRONCE: One I think.

MR. BRYANT: Right.

MR. CRONCE: They had one.

MR. BRYANT: Yeah and the water is still running down the road. I was over there yesterday. That's going down the hollow were at uh they dug that ditch across the road like that. They could a put a culvert there.

MR. BLEDSOE: Is this the road that goes toward the

MR. BRYANT: Cemetery

MR. BLEDSOE: Towards the cemetery? It shows where I guess there is a natural drainage flow going across the road. It's eroded a little bit. Is this the one you want to introduce?

MR. BRYANT: Yes sir. Right here is some more. You can look at that one right there and see my property. See how it is.

MR. BLEDSOE: Do you want to designate? Is all this your property here or?

MR. BRYANT: Yes sir. From right here to the graveyard. If you stand in the graveyard and you hold your hand straight up that's how my line runs.

MR. BLEDSOE: Un huh.

MR. BRYANT: I mean basically that's how it runs.

MR. BLEDSOE: Was it going from here to here or?

MR. BRYANT: From right here it goes right straight across. All they way up. All the way up to the telephone poles.

MR. CRONCE: Do you want to see it on the map Gavin?

MR. BRYANT: Yeah, it is over here on the map. Right here is a better view of it James.

MR. CRONCE: That's a completion map. You see.

MR. BLEDSOE: Which one of these do you want to submit?

MR. BRYANT: I want to submit all of them. Look at all of them.

MR. BLEDSOE: But you are saying. I'll just mark, you're saying, you mark here where you think your property line is.

MR. BRYANT: Right here is where the old house set.

MR. BLEDSOE: Un huh.

MR. BRYANT: And see somewhere right, uh down just a little bit.

MR. BLEDSOE: Well understand it is, you know, just approximation.

MR. BRYANT: Right. Right and then it goes straight.

MR. BLEDSOE: Okay.

MR. BRYANT: Right here is the road coming up the hollow and I mean I've got a right of way out of the hollow. It states it on my deed. If I knowed that they was gonna do all this, my dad never would have let them stripped it. When I got over there and I told Mr. Bledsoe, I mean Mr. Kegley, that since my mom and dad had died that I had lost a lot of stuff. He said that is a coincidence. He said since we formed these companies, we have too. I didn't even know it was under bond to permit. I told him, I said well.

MR. BLEDSOE: Is this the road going toward the cemetery?

MR. BRYANT: Yes sir. That's what I want to show you. There is no gravels. And he said. See right here's where this right here is where the my right of way used to be up through here and this where they fixed these rocks for the water to run. You know what I'm saying.

MR. BLEDSOE: Un huh.

MR. BRYANT: I mean I'm not fussing over the right of way or whatever, just where the water should be down in here. They've got it going down both sides of the road. There are thirteen people, I think thirteen or fifteen people buried in that cemetery and it is well taken care of. I've got pictures and show the cemetery. I mean its and the people takes care of it. I live

here in Lee County. I don't live over there. And where I live here in Lee County, there are probably people 60, 70, 80 years old that wants to go mow the cemetery and they keep it clean and uh.

MR. BLEDSOE: Now this is what here?

MR. BRYANT: This is where the water is supposed to run. You know what I'm saying. Where they fixed it.

MR. BLEDSOE: Diversion ditch?

MR. BRYANT: I guess that is what it is.

MR. BLEDSOE: Yeah

MR. BRYANT: Like I said.

MR. BLEDSOE: Diversion ditch or?

MR. CRONCE: That is the permanent stream channel

MR. BRYANT: Right now, but now it is running on both sides Gavin. Instead of really cutting over down that one, it is going down the other way too. Did you get them? MR.

WILLIAMS: There is a whole lane there just about it.

MR. CRONCE: Permanent stream channel six

MR. BLEDSOE: number 6.

MR. BRYANT: There is a about, a picture of the whole land, right there.

MR. BLEDSOE: These two go together here?

MR. BRYANT: Yeah.

MR. BRYANT: Did you have them, when we walked around this ridge right, I mean it stopped right here did you all have yours developed.

MR. CRONCE: Yeah

MR. BRYANT:        Okay. Yeah, just like that day I met Mr. Kegley over there; I called and finally got up with him. He said, well I said, I get somebody to fix this road where the people can get in here to the cemetery. He said I want to tell you right now son, he said this road is still bonded and permitted. I didn't even know it was permitted. I thought it was over with. I didn't know and I said well okay. So I came up and talked to Frank, Frank Linkous. And right here is that ridge road up there at the top, we walked around that day.

MR. BLEDSOE:      Uh, huh.

MR. BRYANT:        You can ask him, it's got places in it, ain't it, it really does, where it has came loose from the highwall.

MR. BLEDSOE:      You're talking about settlement?

MR. CRONCE:        It has got some ground cracks.

MR. BRYANT:        It sure does.

MR. CRONCE:        Cracks in the rocks.

MR. BLEDSOE:      Anything else?

MR. BRYANT:        Wait just a minute, still another factor. I ain't got my glasses on. I can't see half way no how if I ain't got my glasses.

MR. BLEDSOE:      They show the same general area. I don't know if you want to resubmit.

MR. BRYANT:        You found the one with the cemetery yet?

MR. WILLIAMS:      There's you a picture of Freddie.

MR. BRYANT:        There's you a picture of Mr. Mullins's. Show me a rock on his.

MR. BLEDSOE:      Do you want to submit this one?

MR. BRYANT:        Yeah.

MR. BRYANT:        Right here is a picture.

MR. BLEDSOE: This is Freddie Mullins', Fred Mullins?

MR. BRYANT: Yes sir, I guess that's his name.

MR. BLEDSOE: You said there were no rocks.

MR. BRYANT: Nope. I mean there a few, but they ain't nothing like they are on mine. Right there is the cemetery. You can see how good it is mowed and taken care of.

MR. BLEDSOE: Uh, uh.

MR. BRYANT: This is Freddie's ain't it?

MR. WILLIAMS: Yeah.

MR. BRYANT: There, right there is some of Freddie's.

MR. WILLIAMS: That's more on that road. That's all the way up.

MR. BRYANT: That's Freddie's.

MR. BLEDSOE: Some more of Mr. Mullins'?

MR. BRYANT: Yes sir. You mean, you look at the vegetation on his. You look at the vegetation on mine. That is inside the fence.

MR. BLEDSOE: Your basic concern is that you think they've done a better job of reclamation on his than yours?

MR. BRYANT: They ain't no doubt.

MR. BLEDSOE: But, are you saying that

MR. BRYANT: You see any rocks in that picture.

MR. BLEDSOE: Are you saying though, is it your opinion that the reclamation doesn't meet the state requirements? On yours?

MR. BRYANT: No sir, it don't meet the state requirements on mine. It sure don't.

MR. BLEDSOE: In what way?



MR. BRYANT:       Where you can see the rocks, bare places and everything and just where it has came loose from up there around that . How would you call that up there on top? Bench Road?

MR. CRONCE:       It is the top of the backfill.

MR. BRYANT:       Just like the top of that backfill, I'd really like for that to be taken out because it never was there before and I'm afraid somebody will get over there on four wheelers and stuff and wreck or something and hold me liable. One time somebody said I had a four-wheeler and was over there riding. I didn't even have a four-wheeler. I don't ever even go over there except to see my parents at the cemetery at Clintwood. They're buried at Phipps Cemetery in the middle of town up there and pay my taxes. That's the only time I ever go over there. Maybe go hunting a couple of times a year.

MR. BLEDSOE:      Anything else.

MR. BRYANT:       I've got some more here. Right here is this road that comes up the hollow. That we, I think you and me.

MR. BLEDSOE:      Uh, huh.

MR. BRYANT:       We went right up through there that day.

MR. BLEDSOE:      Uh, huh.

MR. BRYANT:       And right here is the road is where they graveled, right here. This is where they graveled. Right here is some more of these pictures. Gavin, that comes around and goes up through here, see. I mean I went and talked to Mr. Kilgore over in Gate City. He told me they was law in Virginia that they would fix the road back to the cemetery. Some more coming up the hollow.

MR. BLEDSOE:      Now this, this road here isn't part of the permit is it?

MR. BRYANT: No sir, no sir. It is right here.

MR. BLEDSOE: Nor is this?

MR. BRYANT: Uh. Let's see. That is on the. Okay how many acres does Ruby Flemming have permitted there, on the map?

MR. CRONCE: I don't.

MR. BRYANT: It'll say it.

MR. CRONCE: That's off the permit.

MR. BRYANT: Okay, how many acres does Ruby Flemming have permitted? It'll say it.

MR. CRONCE: It doesn't say which, how much land is on each.

MR. BRYANT: Where is Patricia Hill's trailer setting at? I can show you.

MR. CRONCE: Okay.

MR. BLEDSOE: Of course, Mr. Bryant, what we need to focus on is really just your interest.

MR. BRYANT: Okay. Okay.

MR. CRONCE: Here is Patricia Hill's.

MR. BRYANT: Okay. Where is Ruby Flemming's or whatever her last name was, she's been married. She's dead.

MR. CRONCE: Ruby Flemming's is right here next to.

MR. BRYANT: How many acres did they have?

MR. CRONCE: It doesn't say. None of it was.

MR. BRYANT: Now this right here is up top.

MR. CRONCE: Bench pond. This is the bench pond up on top.

MR. BRYANT: Right.

MR. CRONCE: This is Ruby Flemming's down here. Ruby K.

MR. BRYANT: Right. Right. Right here really goes right up.

MR. CRONCE: Their line stops right there. This red, this red is undisturbed. Green is revegetated.

MR. BLEDSOE: You're talking about something that is really

MR. BRYANT: I was just wanting to know how many acres that he had permitted because they done some stripping for him, cause I thought all of his was permitted still. Ten acres or whatever, I mean I don't know.

MR. BLEDSOE: We still need to concentrate, stay focused ...

MR. BRYANT: Okay. Okay.

MR. BLEDSOE: On your interest. Did you still want to? These aren't either part of the permit, but you still want to

MR. BRYANT: That's the road that goes up to the. That they. That's my right of way in and out of there right there. And it wouldn't take them one day to fix it right and none of this would occurred. Just like when I went to Clintwood that time over that Paramount Land Corporation Fee on the map. That guy said it meant they owned it from their mineral, trees to the sky. I don't have any kids. What if I passed away in twenty years, they're gonna holler that they own it. but that was a mistake.

MR. BLEDSOE: No. 14 and 14A both the un-permitted road that goes to the permit site

MR. BRYANT: Right.

MR. BLEDSOE: That leads on up to the cemetery. Okay.

MR. BRYANT: See this road that goes along the hollow. There is not

MR. BLEDSOE: Can you see that in some of the other pictures, pretty much?

MR. BRYANT: Yes sir, and just like when we was over there that day, all of us met over there. We had to put it, it was raining, we all had to put her in 4 wheel drive to get out of there.

MR. BLEDSOE: I'll make these a part of the record.

MR. BRYANT: Any more in there. Wait a second. I don't have my glasses with me. This right here Gavin, this is up on you know up there next to the power post? The three poles that goes up top.

MR. BLEDSOE: I mean I was up there once was all.

MR. BRYANT: Right there was some. Okay. Right here is some of my property. You look out here at Mr. Mullins'; you show me any rocks anywhere.

MR. BLEDSOE: These are, these are submitted just to show the vegetation.

MR. BRYANT: Right.

MR. BLEDSOE: In these particular areas. These will be 15 A, B, and C.

MR. BRYANT: Here is you two more good ones.

MR. BLEDSOE: We'll just do these as 15 D and E. Now on June 28<sup>th</sup> I sent you a letter Mr. Bryant that tried to summarize what your objections were on the bond release application. It stated basically four things. Let me just kind of reiterate those and make sure whether you agree with those or not. One is that you did not receive written notice from the company regarding the application for bond release.

MR. BRYANT: I've never received any kind of notice.

MR BLEDSOE: But, you did receive notice from Inspector Cronic?

MR. BRYANT: Yes sir I did.

MR. BLEDSOE: Two, you believe the road to your property and cemetery needs additional work because two wheel drive vehicles have problem accessing the cemetery.

MR. BRYANT: Yes sir.

MR. BLEDSOE: You want the road returned to the grade it was before mining.

MR. BRYANT: Yes sir.

MR. BLEDSOE: Three, there is a bench road at the top of the back fill, cracks can be seen where the backfill has settled and your opinion there should be returned to the approximate original contour.

MR. BRYANT: Yes sir.

MR. BLEDSOE: And the fourth one is the vegetation is lacking in several areas on your property and there are quite a few bare areas, broom sage is present.

MR. BRYANT: Yes sir, and a lot of rocks. You can see a lot of rocks everywhere.

MR. BLEDSOE: Any other concerns?

MR. BRYANT: Just like going, going up through the property there are two or three places that they could put some drain tiles in and keep the water out of the road. Some of that coming up there, what Bill, I guess it is on what 60 or 70 degree angle coming up out of there? It is pretty steep. I mean and uh but I don't know it has just been hectic.

MR. BLEDSOE: Anything else?

MR. BRYANT: Do you know anything else?

MR. WILLIAMS: Only thing I, what time I've been with him and everything and all, mean Mr. Mullins he said they could use his road and I believe that is one of the reasons Paramount is not wanting to fix his road right. But at the same time, Mr. Mullins is willing to let him his road and that is what is keeping Paramount from fixing his main road in. Then Mr. Mullins needs to go to the courthouse and give him a, put him a right of way on deed because Mr. Mullins also said, told him told Terry that

MR. BLEDSOE:       What you are getting into right now is something ...

MR. WILLIAMS:       That was fine as long a he lived but if he was to pass away he didn't know if they would have a right of way in there or not.

MR. BRYANT:        I told him one day that I was over there.

MR. WILLIAMS:       One other thing, Mr. Kilgore told Terry and the reason we want the bond stopped until we get this one took care of and everybody in here and Paramount and everybody else knows once they get their money, they ain't no putting no road back. They're not going to do nothing unless he takes them to court and spends his money and it is not right for him to have to take them to court and spend his money.

MR. BLEDSOE:       Mr. Williams, you don't have an interest in this particular?

MR. WILLIAMS:       No, I don't have an interest.

MR. BLEDSOE:       It's just for the record.

MR. WILLIAMS:       I'm just a friend of Terry.

MR. BRYANT:        I was over there it was back in the winter and was talking to Freddie and he said you know this bond release is coming up shortly and I said yeah. I said I finally got up with them and I said I never did know it was gonna be the first time, second time like three bond releases I didn't know nothing about. He said well I appreciate you letting us go through this road to the cemetery. Letting the people go to the cemetery and mow it and everything. He said I want to tell you, I don't care for you using it but he said if something happened to me, he said you need, while it is still under bond permit, you better make Paramount fix your road. Cause he said you can't get them over here now. Look how long it took us to get them over there where they put them four loads of gravel there, a year, year and a half. He said once they get their money, he said they ain't coming back. So that right there told me to get my road fixed and I'll

be on mine. He'll be on his'n you know. Mean, just like the road that comes around through there now see that road never was there before. I mean it was a strip job. Okay after they stripped it they made that road. That road never did exist. I mean it's coming around, the road, you know right down there where you cut into Freddie's property, there's a barn down over the hill. Up top, you know where I'm talking about Bill? You know that road that comes out right there? Now that's how the old strip job road came out because I was over there when, matter of fact when my, when Pittston, or Paramont, when my dad lived in Big Stone he was total disabled, wheel chair, oxygen he didn't. They came up to the house and contacted him about stripping. He told them that right off the bat, they sent, they was calling two or three days a week, sending somebody a couple days a week. My mom she was still living at the time in 98 I think. I don't know, so much stuff has happened. Right of the bat he. See my grandpaw was buried up there on another point. Up there next to the pond. Well because at one time my grandpaw owned that where the Cables live now. They owned that and that guy from Paramont he asked my dad, your mom still alive? Which would have been my grandmother. He said no she is buried out Phipps cemetery. He said how about your dad. He said no he died back 65 somewhere in that area. He said Mr. Bryant how would you like him to be moved out Clintwood, right beside your mother. Dad said I don't have the money to do that. He said we'll do it. He said that is no problem and I mean. See they stripped this property like in 56. and they was rose bushes grewed up and I mean you know you couldn't even get out through there in a vehicle so that's when Dad and he said well he said that's when Everett Cable lived in Missouri. Dad said well I tell you, he said I don't know about this. He said feel like I really can't do that until I talk to my cousin because if I let you do mine and he don't let you do his'n . I feel like I'm selling you out and he said I won't do it. So he called his cousin in Missouri and they talked.

I told dad I said well they was already out there. You know where the fence is out there on the far end, where it goes up that steep hill. You know where I'm talking about? Where the, okay if you go past the cemetery.

MR BLEDSOE: Mr. Bryant

MR. BRYANT: Yes sir.

MR. BLEDSOE One thing we need to stay on focus here is really the reclamation and I know there is a lot of things and when you start talking about property and that type of thing, it is really beyond our jurisdiction and you know we don't want to waste your time and everything.

MR. BRYANT: Right.

MR. BLEDSOE: What we have to look at is just the information that you can provide to us as to whether or not, you know, this meets the requirements of the regulations, which we will have to evaluate to make a decision on the application.

MR. BRYANT: Okay

MR. BLEDSOE: So if I you can kind of direct you towards that. Is there anything on the.

MR. BRYANT: I mean you can look at the property and tell it don't meet the application, I mean the standards.

MR. BLEDSOE: I mean that is something the Agency is going to have to evaluate. Uh, if there is nothing else along that line, what we will do is take the information you've provided today, the pictures, plus your comments and the Agency will be doing an evaluation.

MR. BRYANT: I'd like to hear what they've decided. I mean you know.

MR. BLEDSOE: Well, I mean we are still in the process of evaluating the information and they've asked, they sent a letter to the company July 14<sup>th</sup> asking for some additional information, so it is still in the evaluation process. So I mean that's where we are right now. As far as this



informal conference, we are going to prepare a transcript and we'll provide you a copy of that for your information and within 60 days of the close of this conference the Agency will make a decision to either approve or disapprove the application for bond release and you will be notified.

MR. BRYANT: I feel

MR. WILLIAMS: Can you appeal it then for a formal hearing?

MR. BLEDSOE: Pardon?

MR. WILLIAMS: I say can he appeal it then for a formal hearing?

MR. BLEDSOE: The decision, once the application, the decision on the application, if it is against the company, the company would have a right to appeal that as far as a formal hearing on the decision on the application itself. Then uh, since it is in regards to the bond. I don't think that's the same thing that can be appealed by you. That may be something you need to take to a different forum, court.

MR. BRYANT: Right, when I went over to see Mr. Kilgore, that letter that we wrote that time, he said take this and go up to the State and he said that will stop their bond reduction and I brought it up here and you all said because they had not applied.

MR. BLEDSOE: I mean, I don't want to argue about it, but the main thing is if the application meets requirements of the Act then we have no recourse but to approve it. If there is a dispute between you and the company in regards to the property, or property rights, then that is something that has to be taken care of in court, not by this agency cause we have no jurisdiction and I've told you that in the past.

MR. BRYANT: Right.

MR. BLEDSOE: And so that's where we are there.

MR. BRYANT: Right.

MR. BLEDSOE:      Anyone else has any other comments? If that is the case then we will close this conference at 10:02. Thank you all.